

EXHIBIT B

From: Elana.NightingaleDawson@lw.com
To: [Jennifer B. Maisel](mailto:Jennifer.B.Maisel)
Cc: [Mark T. Rawls](mailto:Mark.T.Rawls); DailyNews-AI-RFEM; NYT-AI-SG-Service@simplelists.susmangodfrey.com; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; KVPOAI@keker.com
Subject: RE: NYT/DN - Correspondence
Date: Wednesday, April 30, 2025 11:32:41 PM
Attachments: [image001.png](#)

Counsel,

Thank you for your email. As OpenAI has made clear throughout, it has to date and continues to take reasonable steps to preserve all evidence that may be relevant to this litigation. The Court also recognized that there is an ongoing dispute related to preservation of “output log data.” Indeed, your email notably omits the Court’s footnote stating: “If there is currently a dispute about the scope or degree of preservation of output log data, the parties should identify the dispute in the Report.” MDL, ECF 14 at 4 n.1.

The letters you sent contained numerous additional as well as follow-up questions on various, discrete topics. We are endeavoring to respond as soon as we are able, and to the extent we are able. We expect to respond to both letters at the same time in advance of the parties’ submission of the Case Management Statement.

Best regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Sent: Wednesday, April 30, 2025 6:39 PM
To: Nightingale Dawson, Elana (DC) <Elana.NightingaleDawson@lw.com>
Cc: Mark T. Rawls <MRawls@rothwellfigg.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright@mofo.com; KVPOAI@keker.com
Subject: RE: NYT/DN - Correspondence

Counsel,

In view of Judge Stein’s Order issued today (MDL Dkt. 14), and the parties’ dispute and ongoing meet and confer efforts concerning OpenAI’s destruction practices for its output log data, please confirm that OpenAI will immediately cease its ongoing destruction of potentially relevant output log data and preserve all such data hereinafter. See Order at p. 4 (“Until the parties reach an agreement on a preservation plan for all actions or the Court orders otherwise, each party shall take reasonable steps to preserve all evidence that may be relevant to this litigation.”).

Relatedly, I am following up again on OpenAI’s response to our April 2 letter, which you

promised “in short order.” Please confirm that we will have a written response by Friday May 2nd.

Best regards,
Jen



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From: Jennifer B. Maisel
Sent: Friday, April 18, 2025 9:49 AM
To: Elana.NightingaleDawson@lw.com
Cc: Mark T. Rawls <MRawls@rothwellfigg.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; KVPOAI@keker.com
Subject: RE: NYT/DN - Correspondence

Counsel,

Following up on OpenAI's response to our April 2 letter, as it has now been over two weeks. When can we expect a response?

Thanks,
Jen



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Jennifer Maisel (she/her)
Rothwell, Figg, Ernst & Manbeck, P.C.

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From: Elana.NightingaleDawson@lw.com <Elana.NightingaleDawson@lw.com>
Sent: Monday, April 7, 2025 3:56 PM
To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Cc: Mark T. Rawls <MRawls@rothwellfigg.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; KVPOAI@keker.com
Subject: RE: NYT/DN - Correspondence

Jen,

Thank you for your letter. As you saw, I was out of the office last week when you sent the letter. I am writing to confirm receipt and to let you know that we will get back to you in short order.

Best regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Sent: Wednesday, April 2, 2025 5:58 PM
To: Nightingale Dawson, Elana (DC) <Elana.NightingaleDawson@lw.com>
Cc: Mark T. Rawls <MRawls@rothwellfigg.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright@mofo.com; KVPOAI@keker.com
Subject: RE: NYT/DN - Correspondence

Counsel,

Please see the attached correspondence.

Best regards,
Jen



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From: Elana.NightingaleDawson@lw.com <Elana.NightingaleDawson@lw.com>
Sent: Monday, March 31, 2025 9:43 PM
To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Cc: Mark T. Rawls <MRawls@rothwellfigg.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; KVPOAI@keker.com
Subject: NYT/DN - Correspondence

Counsel,

Please see the attached correspondence.

Regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**
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